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E-FILED - 4/22/11

Attorneys for Defendant Gabriel Medina-Morales

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL MEDINA-MORALES,

Defendant.

CASE NO: CR 09-00425-01 RMW

STIPULATION FOR JOINT REQUEST
TO CONTINUE SENTENCING
HEARING & ORDER

The parties, Plaintiff United States of America and Defendant Gabriel Medina-Morales, hereby stipulate to request that the Court continue the sentencing hearing in this case from April 25, 2011 to June 27, 2011, at 9:00 a.m., before the Honorable Ronald M. Whyte, Judge of the United States District Court for the Northern District of California. Federal Probation Officer Aylin Raya is available on that date.

The request is made by the Defense because on Saturday, April 16, 2011, Defendant Gabriel Medina-Morales advised his counsel, Attorney Jerry Fong, that he wishes to move to withdraw his guilty plea on the basis that Mr. Medina-Morales believes that, during the proceeding in which he entered his open guilty plea, he was informed that his prior felonies had been dropped and would not be used against him at sentencing. Attorney Fong wishes to advise the Court that he is obligated to investigate this claim, which was made for the first

1 time on April 16, 2011. To that end, Mr. Fong has requested a copy of the transcript from
2 that proceeding (which took place on March 29, 2010). The stipulation is necessary, from
3 the Defendant's perspective, to permit defense counsel sufficient time to investigate the
4 possible motion to withdraw Mr. Medina-Morales' guilty plea.

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7 DATED: April 19, 2011

8 /S/
JERRY Y. FONG, Attorney for
Defendant GABRIEL MEDINA-MORALES

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12 DATED: April 19, 2011

13 /S/
SUZANNE DeBERRY, AUSA for
Plaintiff UNITED STATES OF AMERICA

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16 [] ORDER

17 Pursuant to the parties' stipulation and good cause appearing herein, it is hereby
18 ordered that the sentencing hearing for this case shall be continued from April 25, 2011 to
19 June 27, 2011, at 9:00 a.m. It is so ordered.

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22 DATED: 4/22/11

23 Ronald M. Whyte
JUDGE OF THE UNITED STATES
DISTRICT COURT